

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

UNITED STATES OF AMERICA, §
§
§ CASE NUMBER 6:23-CR-00038-JDK
v. §
§
§
§
JOSE CARMELO AVELAR, §
§
§

**FINDINGS OF FACT AND RECOMMENDATION ON
GUILTY PLEA BEFORE THE UNITED STATES MAGISTRATE JUDGE**

Pursuant to 28 U.S.C. § 636(b), this matter has been referred by the District Court for administration of a plea of guilty under Rule 11 of the Federal Rules of Criminal Procedure.

On June 14, 2024, this cause came before the undersigned United States Magistrate Judge for a plea of guilty to an Indictment charging the Defendant in Count Two with a violation of Title 21 U.S.C. § 841(a)(1) - Possession with the Intent to Distribute and Distribution of Methamphetamine. After conducting said proceeding in the form and manner prescribed by FED. R. CRIM. P. 11, the undersigned finds that:

- a. Defendant, after consultation with counsel of record, has knowingly and voluntarily consented to the administration of the Guilty Plea in this cause by a United States Magistrate Judge, subject to a final acceptance and imposition of sentence by the District Judge;
- b. Defendant and the government have entered into a plea agreement which has been filed and disclosed in open court pursuant to FED. R. CRIM. P. 11(c)(2);
- c. Defendant is fully competent and capable of entering an informed plea, that the defendant is aware of the nature of the charges, the maximum penalties, and the consequences of the plea, and that the plea of guilty is a knowing and voluntary plea supported by an independent

basis in fact containing each of the essential elements of the offense; and

d. Defendant understands each of the constitutional and statutory rights enumerated in Rule 11(b) and wishes to waive these rights, including the right to a trial by jury.

IT IS THEREFORE RECOMMENDED that the District Court accept the Plea Agreement and the Guilty Plea of the defendant and that **JOSE CARMELO AVELAR** should be finally adjudged guilty of that offense.

Defendant has waived his right to object to the findings of the Magistrate Judge in this matter, and the Government also waived its right to object, so the Court will present this Report and Recommendation to District Judge Jeremy D. Kernodle for adoption immediately upon issuance.

So ORDERED and SIGNED this 14th day of June, 2024.



JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE